

## **REMARKS**

The Applicant appreciates the courteous and complete examination of the application by the Examiner. In view of the foregoing amendments and the following remarks, a reconsideration of the instant application is respectfully requested.

In order to expedite the prosecution of this application, claim 17 has been canceled without prejudice or disclaimer of the subject matter thereof, thereby permitting the remaining allowed claims to issue as a patent. Claims 16, 18, 20, 21 and 23 have been amended. Claims 16 and 18-35 are now in this application.

### **Regarding the § 102 Claim Rejections**

The Examiner rejected claim 16 under 35 U.S.C. 102(b) as being anticipated by Ffooks. The Applicant has amended independent claim 16 to include the allowable subject matter of now cancelled claim 17, thereby putting amended independent claim 16 in condition for allowance. The Examiner states in Allowable Subject Matter section of the above-identified Office Action that claims 17-21 and 23-27 "would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims." Therefore, since claim 17 contained allowable subject matter, then claim 16 is believed to be allowable since it has been amended to include the allowable subject matter of cancelled claim 17.

Claims 18-27 are felt to patentably distinguish over the prior art references because of their above-mentioned dependency from amended claim 16.

Claims 18, 20, 21 and 23 have been amended to depend from a non-cancelled claim.

### **Regarding the § 103 Claim Rejections**

The Examiner rejects claim 22 under 35 U.S.C. 103(a) as being unpatentable over Ffooks. The Applicant has amended independent claim 16 to include the allowable subject matter of now cancelled claim 17, thereby putting amended independent claim 16 in condition for allowance. Claim 22 is felt to patentably distinguish over the prior art references because of its above-mentioned dependency from amended claim 16.

**Conclusion**

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

Applicant has endeavored to address all of the Examiner's concerns as expressed in the Office Action. Accordingly, amendments to the claims, the reasons therefor, and arguments in support of patentability of the pending claim set are presented above. Any claim amendments which are not specifically discussed in the above-remarks are made in order to improve the clarity of claim language, to correct grammatical mistakes or ambiguities, and to otherwise improve the clarity of the claims to particularly and distinctly point out the invention to those of skill in the art. Finally, Applicant submits that the claim limitations above represent only illustrative distinctions. Hence, there may be other patentable features that distinguish the claimed invention from the prior art.

With the above amendments being fully responsive to all outstanding rejections and formal requirements, it is respectfully submitted that the claims are now in condition for allowance, and a notice to that effect is earnestly solicited. Should the Examiner feel that there are further issues which might be resolved by means of telephone interview, the Examiner is cordially invited to telephone the undersigned at (403) 444-5695, or email at davidguerra@internationalpatentgroup.com

No additional fee is due.

Respectfully Submitted,

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**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO, electronically submitted using EFS-Web, or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

On (Date) 05/13/2009 by David A. Guerra /David A. Guerra/